

## UNITED STATES DISTRICT COURT

for the  
District of Arizona

United States of America )

v. )

Salvador Ortiz Reyes, )

a.k.a.: Salvador Reyes, )

a.k.a.: Salvador Ortiz-Reyes, )

(A205 142 184) )

*Defendant*

Case No. 17- 7395 MJ

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of November 9, 2015, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Salvador Ortiz-Reyes, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about December 24, 2012, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1). I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

**See Attached Statement of Probable Cause Incorporated By Reference Herein**

REVIEWED BY: Charles E. Bailey, P.S. for AUSA Ryan Powell

☒ Continued on the attached sheet.

Complainant's signature

Steven T. Case,  
Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: July 24, 2017

Judge's signature

City and state: Phoenix, Arizona

Bridget S. Bade,  
United States Magistrate Judge

Printed name and title

### **STATEMENT OF PROBABLE CAUSE**


I, Steven T. Case, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On November 9, 2015, Salvador Ortiz-Reyes was booked into the Arizona State Prison Complex (ASPC), Alhambra Reception, for a state conviction. While incarcerated at the ASPC facility, Ortiz-Reyes was encountered by Designated Immigration Officer (DIO) F. Colmenero, who was designated with the authority to determine alienage under the Immigration and Naturalization Act, Section 287(g). DIO F. Colmenero determined Ortiz-Reyes to be a citizen of Mexico, illegally present in the United States. On November 10, 2015, a detainer was lodged with the ASPC. On July 22, 2017, Ortiz-Reyes was released from the Lewis State Prison and transported to the Phoenix ICE office for further investigation and processing. Ortiz-Reyes was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Ortiz-Reyes to be a citizen of Mexico and a previously deported criminal alien. Ortiz-Reyes was removed from the United States

to Mexico through Nogales, Arizona, on or about December 24, 2012, pursuant to an order of removal issued by an immigration judge. There is no record of Ortiz-Reyes in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Ortiz-Reyes' immigration history was matched to him by electronic fingerprint comparison.

4. Criminal history checks revealed that Salvador Ortiz-Reyes was convicted of Aggravated Assault, a felony offense, on December 20, 2011, in the Superior Court of Arizona, Maricopa County. Ortiz-Reyes was sentenced to two (2) years and nine (9) months of incarceration. Ortiz-Reyes' criminal history was matched to him by electronic fingerprint comparison.
5. On July 22, 2017, Salvador Ortiz-Reyes was advised of his constitutional rights. Ortiz-Reyes freely and willingly acknowledged his rights and agreed to provide a statement under oath. Ortiz-Reyes stated that his true and complete name is Salvador Ortiz Reyes and that he is a citizen of Mexico. Ortiz-Reyes did not state where or when he last entered the United States. Ortiz-Reyes stated he had been removed from the United States to Mexico and did not received permission from the Secretary of the Department of Homeland Security to re-enter the United States after his removal.

6. For these reasons, this affiant submits that there is probable cause to believe that on or about November 9, 2015, Salvador Ortiz-Reyes, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about December 24, 2012, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1).



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Steven T. Case,  
Deportation Officer,  
Immigration and Customs Enforcement

Sworn to and subscribed before me  
this 24<sup>th</sup> day of July, 2017.



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Bridget S. Bade,  
United States Magistrate Judge